

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 22, 2005

**D045940        People v. Duran**

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D046186        In re Karen L., a Juvenile**

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., McIntyre, J.

**D046389        People v. Sumlin**

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D045415        In re Austin D., a Juvenile**

The order is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

**D046747        Hayes v. La Jolla Canyon Gardens, LLC**

Pursuant to California Rules of Court, rule 8, the appeal filed July 5, 2005, is dismissed for appellant's failure to timely designate the record.

**D045266        Kolender et al. v. San Diego County Civil Service Commission/Salenko**

The judgment is affirmed. Real party in interest and respondent Edward Salenko is awarded costs on appeal. O'Rourke, J.; We Concur: McConnell, P.J., Haller, J.

**D045268        Kolender v. San Diego County Civil Service Commission/Berry**

The judgment denying the petition for a writ of mandate is reversed. The trial court is directed to enter a new and different order granting the writ as prayed. Each party is to bear its own costs on appeal. O'Rourke, J.; We Concur: McConnell, P.J., Haller, J.

**D046781        Heidi S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Heidi S. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D046820        Ruth M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Ruth M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D046725        Joseph G. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Joseph G. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

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August 22, 2005 (Continued)

**D046727        Teresa M. et al. v. Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

The attorney for petitioner Teresa M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case as to Teresa M. is dismissed.

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**D046033        In re Daniel W. et al., Juveniles**

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., McDonald, J.

**D046972        In re Gary G., a Juvenile**

The matter has been review by Justices Haller, McIntyre and Irion. The notice of appeal is untimely. The case is dismissed.

**D043414        Power Partners International, Inc. v. Dominion Energy et al.**

The judgment in favor of Dominion is reversed, and the order granting a new trial is vacated. The court is directed to reinstate the October 2, 2003 judgment in favor of Power Partners. Power Partners is entitled to costs on appeal. McDonald, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D044599        Golden Eagle Insurance Company v. Jones et al.**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

**D046819        Yvette A. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Yvette A. and the attorney for petitioner Eduardo D. have notified the court on behalf of the petitioners that Petitions for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D046864        In re Smith on Habeas Corpus**

The petition is denied.

**D046863        In re Hooker on Habeas Corpus**

The petition is denied.

**D046878        In re Strong on Habeas Corpus**

The petition is denied.

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**D046032        In re Adoption of Amy A., a Minor**

The judgment is affirmed. Certified for Publication. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

**D046865        In re Thomas on Habeas Corpus**

The petition is denied.

**D044264        Morrow et al. v. Prewitt/Gerardis**

The superior court's judgment and its order awarding attorney fees is affirmed. Respondents are awarded their costs on appeal. Irion, J.; We Concur: McConnell, P.J., Haller, J.

**D044289        People v. Sanchez**

The murder convictions and the sentence are reversed. The matter is remanded for resentencing and retrial on the issues the jury did not resolve. If within 30 days after the remittitur issues from this Court, the people have not filed and served an election to retry the unresolved matters, the trial court shall resentence Sanchez on the conviction of driving with a willful or wanton disregard for the safety of persons or property while fleeing from a pursuing police officer. If the People file an election to retry the unresolved issues, the trial court shall resentence Sanchez after his retrial. Irion, J.; We Concur: Haller, Acting P.J., McIntire, J.

**D045633        People v. Schindler**

The judgment is affirmed. Irion, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

**D045965        People v. Kiper**

The judgment is affirmed. Irion, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

**D045839        In re Brianna H., a Juvenile**

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D046842        In re Van Nguyen on Habeas Corpus**

The petition is denied.

**D046631        In re Benda on Habeas Corpus**

The petition is denied.

**D045209        People v. Corral**

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

**D044471        Majorossy-Lott et al. v. Allstate Insurance Company**

The request for publication is denied.

**D043477        People v. Harbour**

The judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

**D044386        Cantor v. Nichols Institute Diagnostics, Inc.**

The judgment is reversed and the matter remanded with directions as set forth in this opinion. The parties shall bear their own costs on appeal. O'Rourke, J.; We Concur: McIntyre, Acting P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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August 24, 2005 (Continued)

**D045562        People v. Brouillette**

The appeal is dismissed pursuant to California Rules of Court, rule 33(c)(5) and 17.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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**D044773            In re Marriage of Bracknell**

The order is affirmed. Irion, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

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**D046975        Vasquez v. State of California**

Respondent's motion to dismiss the appeal, opposition and reply have been read and considered by Presiding Justice McConnell and Associate Justices McIntyre and Irion. The appeal is dismissed.

**D045342        In re S.W., a Juvenile**

The petition for rehearing is denied. This court lacks jurisdiction to rule on the request for depublication.

**D045126        People v. Acosta**

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Irion, J.

**D046765        Carpenter v. County of San Diego et al.**

**D046285        Carpenter v. County of San Diego et al.**

The stipulation for consolidation and for extension of time for filing briefs is accepted. All documents will be filed under D046285. The San Diego County Superior Court is ordered to file a supplemental transcript per designation within 15 days from the date of this order. Appellants' opening brief is due within 60 days from the filing of the supplemental record.

**D043892        People v. Flowers**

The sentence is modified to impose the midterm for counts 4, 6, and 7, and one-third of the count 4 enhancement, with the execution of those terms stayed pursuant to section 654; to vacate the enhancement terms imposed for counts 3 and 5, and to impose one-third of the enhancement terms for those counts; and to strike the prison prior enhancement. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modifications and send a certified copy thereof to the Department of Corrections. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D045824        In re Dakota H., a Juvenile**

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D043440        People v. Smith**

The abstract of judgment is ordered amended to state that the term on count 3 is stayed pending completion of appellant's term on counts 1 and 2. In all other respects the judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

**D046872        In re Hamilton on Habeas Corpus**

The petition is denied.

**D046291        In re Westly on Habeas Corpus**

The petition is denied.

**D046912        In re Johnson on Habeas Corpus**

The petition is denied.

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**D044664        Hanks v. Leach et al.**

The judgment is affirmed. Defendants are entitled to costs on appeal. McDonald, J.; We Concur: McConnell, P.J., Aaron, J.

**D047013        In re Strong on Habeas Corpus**

The petition is denied.

**D044759        Campbell v. Airtouch Cellular et al.**

Upon written request filed by appellants William Munro and Johnny Smith, the appeal is dismissed as to William Munro and Johnny Smith ONLY and the remittitur is ordered to issue immediately as to William Munro and Johnny Smith ONLY (Cal. Rules of Court, rule 20(c)(2)).